IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5800 OF 2003

Shri Ranchod Bansilal Gade)
Age : 64, Occ.: Retired,)
R/at : Near Cinema Talkies)
Gadewada, P.O. Murbad, Dist.Thane)..Petitioner

Versus

1. Zilla Parishad Thane,)
Through Chief Executive Officer)
Having office at Zilla Parishad)
Thane.)

2. The Executive Engineer)
Public Works Division (west))
Zilla Parishad, Thane)

3. The Commissioner)
Konkan Division, Konkan Bhavan)
1st Floor, C.B.D. Belapur)
Navi Mumbai.)

4. State of Maharashtra)
Mantralaya, Mumbai-32)..Respondents

Mr.N.R.Bubna for the petitioner.

Mr.C.R.Sonawane AGP for respondent no.4.

Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 5.4.2007.

Oral Judgment :- (Per : R.S.Mohite,J)

1. The petitioner files this petition seeking a writ for quashing a communication dated 14.1.2003 issued by the Chief Executive Officer, Zilla Parishad, Thane and communication dated 30.1.2003 issued by the Executive Engineer, P.W.D. of the said department.

2. The petitioner was appointed by the Zilla Parishad on 29.8.1958 as a Technical Assistant. He was first promoted on 14.11.1964 as a Junior Extension officer. His 2nd promotion was on 12.2.1968 as an Extension officer. On 21.11.1979 by a Government Resolution, post of Extension officer was re-designated as Junior Engineer. By a further promotional order dated 12.9.1986 as amended by a subsequent order dated 24.7.1987 the petitioner was promoted for the 3rd time as a Sectional Engineer grade-II w.e.f. 1984. He retired from the said post on 30.11.1997.

3. The petitioner claims that he is entitled to the benefits contemplated by Government Resolution dated 8.6.1995. The officers of old grades 3 & 4 (grades-c & d as on the date of notification) were entitled to pay scale of higher post since it was not possible to promote such persons for a period of 12 years. It is fairly admitted by the petitioner that he did not fall within the old grades-3 & 4. The said Government Resolution is therefore, not applicable and no reliefs can be granted in this petition on the basis of the said Government Resolution. It was then contended that after his retirement, Government of Maharashtra issued a G.R. dated 20.7.2001 giving salary benefits to some additional persons contemplated in the said Government Resolution.

4. In our view, the Government Resolution in question does not relate to pensionary benefits. Since the petitioner was already retired before the promulgation of the said G.R., he cannot get the benefit of the said G.R. On reading the G.R. it is clear that the same is not applicable to the persons who have been promoted more than two times in their service. The facts stated here-in-above indicates that the petitioner has been promoted more than two times. There is no substance in the petition. The petition is therefore, dismissed. Rule stands discharged.

(R.S.Mohite,J) **(S.B.Mhase,J)**